UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:23-cv-00180-GCM

LONNIE DOUGLAS SIMMONS,)
Plaintiff,)))
vs.	ORDER
CLEVELAND COUNTY MEDICAL,)
Defendant.)))

THIS MATTER is before the Court on Plaintiff's letter [Doc. 16], which the Court construes as a motion to dismiss pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Pro se Plaintiff Lonnie Douglas Simmons ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Johnston Correctional Institution in Smithfield, North Carolina. Plaintiff filed this action on July 18, 2023, pursuant to 42 U.S.C. § 1983, alleging that Defendant "Cleveland County Medical" provided constitutionally deficient medical care while Plaintiff was detained at the Cleveland County Jail in Shelby, North Carolina. [Doc. 1]. On initial review, the Court found that Plaintiff had failed to state a claim for review and allowed Plaintiff 30 days to file an amended complaint in accordance with the Court's Order. [Doc. 13]. Before the deadline to file an amended complaint expired, Plaintiff filed the pending motion for voluntary dismissal in which he states, "since I am not smart enough to fill out my paper work on my case[,] ... I'm going to stop tryn to sue them [and] let God take care of it." [Doc. 16].

The Court will grant Plaintiff's motion to dismiss without prejudice under these circumstances. Fed. R. Civ. P. 41(a)(2).

ORDER

IT IS THEREFORE ORDERED that Plaintiff's motion to voluntarily dismiss his

Complaint [Doc. 16] is **GRANTED**.

The Clerk is respectfully instructed to terminate this action.

Signed: October 5, 2023

Graham C. Mullen

United States District Judge